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13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 (SAN FRANCISCO DIVISION)

17 FINJAN LLC,

18 Plaintiff,

19 v.

20 PALO ALTO NETWORKS, INC.,

21 Defendant.

Case No. 4:14-cv-04908-JD

**FINJAN LLC'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
EXHIBITS Q AND U TO FINJAN LLC'S  
OPPOSITION TO PALO ALTO  
NETWORKS, INC.'S MOTION FOR  
LEAVE TO AMEND ITS INVALIDITY  
CONTENTIONS**

23 Hon. James Donato  
Ctrm: 11, 19<sup>th</sup> Floor  
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1      **I. INTRODUCTION**

2      Plaintiff Finjan LLC (“Finjan”), having reviewed and complied with Civil Local Rule  
 3 79-5, hereby moves the Court for permission to file under seal the following documents:

<b>Document</b>	<b>Portion(s) to Seal</b>	<b>Reason(s) for Sealing</b>
<b>Exhibit Q to the Declaration of Phillip W. Goter in Support of Finjan LLC’s Opposition to Palo Alto Network, Inc.’s Motion for Leave to Amend Its Invalidity Contentions - Palo Alto Networks, Inc.’s Supplemental Invalidity Contentions Charts, Exhibit G-10.</b>	Entire document (pp. 1-330).	Content on each page of this document reflects information PAN has designated “Highly Confidential – Attorneys’ Eyes Only,” “Check Point Highly Confidential – Attorney’s Eyes Only,” and “Highly Confidential – Source Code Information” under the Protective Order, and from which third-party confidential information, including source code, could be potentially discerned.
<b>Exhibit U to the Declaration of Phillip W. Goter in Support of Finjan LLC’s Opposition to Palo Alto Network, Inc.’s Motion for Leave to Amend Its Invalidity Contentions - Palo Alto Networks, Inc.’s Supplemental Invalidity Contentions Charts, Exhibit F-10.</b>	Entire document (pp. 1-874).	Content on each page of this document reflects information PAN has designated “Third Party Highly Confidential – Attorneys’ Eyes Only” and “Highly Confidential – Source Code Information” under the Protective Order, and from which third-party confidential information, including source code, could be potentially discerned.

20      Filed concurrently herewith and pursuant to Civ. L.R. 79-5(c) are the confidential versions  
 21 of Exhibits Q and U to the Declaration of Phillip W. Goter in Support of Finjan LLC’s Opposition  
 22 to Palo Alto Inc.’s Motion for Leave to Amend Its Invalidity Contentions.

23      **II. ARGUMENT**

24      **A. Legal Standard**

25      Under Fed. Rule Civ. P. 26(c)(1)(G), the Court may, in its discretion and for good cause,  
 26 issue an order “requiring that a trade secret or other confidential research, development, or  
 27 commercial information not be revealed or be revealed only in a specified way.” Similarly, in this  
 28 Circuit, the Court may seal documents and information in the case of a dispositive motion if there

1 are “compelling reasons” to do so, and where “good cause” exists in the case of non-dispositive  
 2 motions. *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1095-1100 (9th Cir. 2016).  
 3 A motion is considered “non-dispositive” when the motion is no more than “tangentially related”  
 4 to the underlying cause of action. *Id.* at 1099. The “good cause” standard requires a  
 5 “particularized showing” that “specific prejudice or harm will result” if the information is  
 6 disclosed. *Phillips ex rel. Estates of Byrd v. Gen Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir.  
 7 2002) (internal quotation marks omitted). “Broad allegations of harm, unsubstantiated by specific  
 8 examples of articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966  
 9 F.2d 476 (9th Cir. 1992). A request to seal material “must be narrowly tailored to seek sealing  
 10 only of sealable material.” L.R. 79-5(b).

11           **B. Finjan’s Administrative Motion to Seal Is Supported by Good Cause and is  
 12           Narrowly Tailored**

13           Good cause exists to file the documents in question under seal, as described in the  
 14 Declaration of Jared A. Smith In Support of Finjan LLC’s Administrative Motion to File under  
 15 Seal Exhibits Q and U to the Declaration of Phillip W. Goter in Support of Finjan LLC’s  
 16 Opposition to Palo Alto Inc.’s Motion for Leave to Amend Its Invalidity Contentions (“Smith  
 17 Decl.”) accompanying this motion to seal.

18           Finjan’s request is narrowly tailored to seal only information that has been designated as  
 19 confidential pursuant to the protective order entered in this case. For the foregoing reasons, Finjan  
 20 respectfully requests that the Court grant its request that the documents described above remain  
 21 under seal.

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1 Dated: January 13, 2022

/s/ Jared A. Smith

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